PRESENTATION

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Universal Disarmament, Arms Control and Non-Proliferation Instruments"

What is required for us to be able to say that multilateral disarmament and non-proliferation instruments contribute to security?

a) Primarily, they must be effective. They must address relevant security concerns – and the measures and norms contained in the instruments must be effective to address existing threats?

And, b) they must enjoy the broad support of the international community. For this to be the case, the assessment on the necessity of the instruments of the majority of states must converge. And, such instruments must be perceived overall as fair and balanced.

If either of those elements is weakened or lost, the relevance of these instruments is in trouble.

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To illustrate this, let us look briefly into the nuclear non-proliferation and disarmament architecture.

First of all, it is the most comprehensively developed regime and it is also the most important and politically contentious one. Secondly, because the Nuclear Non-Proliferaton Treaty (NPT), the bedrock of the nuclear non-proliferation and disarmament regime, has turned 40 yesterday.

It needs to be said that nuclear non-proliferation and disarmament architecture as a whole has evolved over time, essentially over the past half century. It is a very inhomogeneous collection of bilateral and multilateral legally binding instruments, complemented by politically binding arrangements and agreements.

President Kennedy warned in the early 60s about the danger of an uncontrollable increase of states with nuclear weapons. He spoke of 25 nuclear weapons states by the end of the decade (i.e. the 60s). If we recall that the NPT was concluded in the height of the cold war (1968), we have to say it's been remarkably successful. It set a widely accepted normative framework for the most deadly military technology. It contributed to stability in a politically dangerous era. And, 40 years later, fortunately, we are still quite far away from 25 states possessing nuclear weapons.

For most NPT states, the NPT's strength and foundation is grounded in the carefully crafted balance of its three pillars: non-proliferation, disarmament and peaceful use. States renounce nuclear weapons and in return are guaranteed access to peaceful use of nuclear energy while the Nuclear Weapons States (China, France, Russian Federation, UK and USA) undertake to gradually get rid of these weapons. That's the NPT bargain.

Different NPT states parties have always attached different priorities to these pillars. For some, in particular the nuclear weapons states, the non-proliferation pillar was the focus of attention. Others, in particular non-aligned developing countries focused on the access to nuclear technology for peaceful use and the disarmament process.

The relative relationship of these pillars was always hotly debated. However, the overarching need to prevent a nuclear confrontation and the political realities during the cold war provided sufficient degree of shared interest and acceptance of the NPT.

After the end of the Cold War, this situation changed somewhat. Security was perceived more and more as a collective responsibility rather that the prerogative of a few.

In 1995 and 2000, strong disarmament commitments were negotiated and agreed upon. These were seen as major achievements towards real progress, both on nuclear disarmament and nuclear non-proliferation.

Inter alia, these steps included the negotiation of the Comprehensive Nuclear Test Ban Treaty (CTBT) and plans were in place for negotiations on a future treaty prohibiting the production of Fissile Material for nuclear weapons. Furthermore, the strategic importance of nuclear weapons would be reduced gradually and concrete reductions in the numbers of nuclear warheads would be achieved.

At the end of the 1990s, the scene seemed set for real progress in establishing a robust nuclear non-proliferation and disarmament regime.

Today, we have a very different situation. The NPT and the entire regime are in a serious crisis.

There is a crisis of confidence. It is essentially twofold:

On the one hand, there is lack of trust in the effectiveness of the NPT based regime. Some states, particularly the US, has pushed the argument, especially in the wake of 9/11, that the current security environment creates an urgent need to strengthen the many non-proliferation measures. The threat of terrorism, the discovery of the Khan network, the nuclear programs of North Korea, Iran and Libya and possibly now Syria.

Non-proliferation is pushed – disarmament is secondary. As a consequence, the US – under its current administration - has partly turned its back on the multilateral system, which the US itself had been instrumental in creating over the past decades.

The CTBT has not entered into force largely because the US withdrew its support from the Treaty. Negotiations on the Fissile Material Cut Off have not even started. Plans for new nuclear weapons are presented and the strategic importance of nuclear weapons is underscored.

On the other hand, there is high degree of frustration and disillusionment mostly by non-aligned developing countries about lack of progress on the disarmament commitments. At the same time, new non-proliferation requirements are seen as just further discriminatory attempts by the West to prevent access of developing countries to nuclear energy for peaceful purposes. This underscores the perception of nuclear weapon states' double standards and their discriminatory practices.

The result is a politically charged cyclical debate about which NPT commitment takes precedent over the other, totally paralyzing the process and further undermining the confidence of NPT states in the effectiveness of the regime.

In short – and this brings me back to what I said earlier: the nuclear non-proliferation and disarmament regime today is in trouble because the basic international consensus, which is a necessity for a normative system to work, is rapidly loosing ground.

Former UN-Secretary General Kofi Annan referred to this as: *"The international community seems almost to be sleepwalking down the road of a world in which a growing number of states feel obliged to arm themselves with nuclear weapons, and in which non-state actors acquire the means to carry out nuclear terrorism. This is done not by conscious choice, but rather through miscalculation, sterile debate and paralysis,"*

In the meantime, the world is moving on and the threats are developing further

- Firstly, most people are not aware that in 2008 (nearly 20 years after the Cold War) eight nuclear weapon states still possessed almost 10 200 operational nuclear weapons. Several thousand of these nuclear weapons are

still kept on high alert, ready to be launched within minutes (called hair-trigger alert). If all nuclear warheads are counted these states together possess a total of more than 25 000 warheads. 95% of these nuclear weapons belong to USA and Russia.

- The situation has, if anything, become much more volatile than in the Cold War period. We no longer have the situation of essentially 2 superpowers opposing one another but relying on essentially rational patterns of behavior – infamously known as MAD -.
- there are serious concerns that terrorists are trying to get hold of nuclear weapons or nuclear material with potentially devastating consequences.
- The nuclear technological know-how is much more easily available. There are many more actors, better networks and communications.
- At the same time, we are looking at the so-called renaissance of nuclear energy. More and more states are considering this option. Nuclear energy growth rates predictions are considerable. This will lead to a sharp increase of nuclear actors in the foreseeable future.
- We are on the verge of reaching a situation where the decision whether or not to develop a military nuclear program is no longer one of technology, as was the case in the past 60 years. States that master the nuclear technology for peaceful purposes would also have – at least very soon - if they so choose the technological capacity to develop nuclear weapons. For nuclear weapons capability we are looking at political and legal decisions rather than questions of technological capacity.

There is an urgent need to address these challenges.

This brings me to the European Security Strategy “A Secure Europe in a Better World” from 2003.

I think it is a good strategy. It follows a broad security approach. And, it gives high importance to the Proliferation of Weapons of Mass Destruction, which it identifies as potentially the greatest threat to our security.

I share this analysis entirely. And, the EU is taking positive action along those lines. Over the past years, the EU has become a more coherent and influential actor in this field.

However, I would like to point out also what is missing: there is not a single reference to nuclear disarmament in this document. It is not because it was forgotten. There is no agreement within the EU on the intrinsic link between nuclear non-proliferation and disarmament. The same – cyclical debate that I mentioned before – is very much apparent in the EU.

There is no shared vision of a nuclear free world. In fact, the opinions are greatly divided between European Nuclear Weapon States and others that are strong proponents of nuclear disarmament.

The Strategy is, in this respect, the lowest common denominator. It talks about non-proliferation, since this is what the EU can agree upon. The nuclear disarmament debate is dominated by different national assessments.

The majority of states, also within the EU, agree that a clear linkage exists between nuclear non-proliferation and nuclear disarmament. The only sustainable long-term approach to address the dangers of nuclear proliferation is to reduce the reliance on and attractiveness of atomic weapons all together. Otherwise, more states will want to "join the club". This is the dynamics that we see clearly today. This vicious cycle should be broken.

The Strategy talks nicely about an *International Order Based on Effective Multilateralism*. The EU wants *regimes and treaties to be effective in confronting threats to international peace and security*.

On the important nuclear issue, the EU still has some way to go to come to a shared vision. While there is a clear need to tighten the non-proliferation mechanisms, this should not be at the expense of progress on disarmament. Both aspects need to be pursued simultaneously. Effective multilateralism to confront nuclear threats will require such a convergence in the EU.

I want to close on a cautiously optimistic note. There are encouraging signs for a correction of the negative trend in nuclear non-proliferation and disarmament. It comes from the US and from an unexpected and bi-partisan corner. Former US policy heavyweights and Cold-Warriors Henry Kissinger, George Shultz, William Perry and Sam Nunn started an important initiative arguing strongly for the need to refocus and revive the nuclear disarmament agenda. This initiative is now supported by the *who-is-who* of US security policy experts of the past 6 administrations. Both presidential candidates have expressed their sympathy with this initiative. Let's wait and see.

Only yesterday, 3 former UK foreign ministers Hurd, Rifkind and Owen as well as former NATO secretary general Robertson have published a letter supporting the US initiative and the notion of a world free of nuclear weapons.

It is high time that such steps are taken in more earnest. This and a subsequent "re-multilateralisation" of arms control efforts would surely be embraced enthusiastically by the rest of the world and revive the important international consensus that is so needed. In my view, the EU should take a leading role if the notion of effective multilateralism and the wish to address the nuclear threats are to be taken seriously.